

APPLICATION FOR CONSENT
TO ASSIGNMENT
FCC FORM 314
SECTION II, ITEM 7

EXHIBIT 3

Micheal L. Parker is President and Director of Reading Broadcasting, Inc., WTVE, Channel 51 at Reading, Pennsylvania. Micheal L. Parker is President of Partel, Inc. which holds a 29.69 percent equity interest in Reading Broadcasting, Inc.

Micheal L. Parker is President of Two If By Sea Broadcasting Corporation which holds a fifty-one percent (51%) ownership interest in Massachusetts Channel 46 Corporation, WHRC TV, Norwell, Massachusetts. Transfer of Control granted September 11, 1991. FCC File No. BTCCT-910725KG. Until recently, Massachusetts Corporation was the Licensee of WHRC(TV), Norwell, Massachusetts. On March 23, 1992, the Commission granted the involuntary assignment of the station's license to George E. Clancy. Mr. Clancy was appointed receiver of the corporation by the Plymouth County Superior Court, Commonwealth of Massachusetts.

Micheal L. Parker has an application pending before the Federal Communications Commission for Transfer of Control of Channel 31, KVMD(TV), Twentynine Palms, California. Filed June 3, 1992.

Two If By Sea Broadcasting Corporation has an application pending before the Federal Communications, FCC Form 349, Application for Authority to Construct or Make Changes in an FM Transaltor or FM Booster Station; Channel 201, 88.1mhz, Upland, California. Filed July 7, 1992. FCC File No. 920707TB.

An application requesting Consent to Assignment of the license of KZIA(TV), Las Cruces, New Mexico, from Southwestern Broadcasting Co., Inc. to Two If By Sea Broadcasting Corporation pending at the Commission (FCC File No. BALCT-920406KJ) was dismissed without prejudice effective July 2, 1992 pursuant to a request by Southwestern Broadcasting Co., Inc.

Micheal L. Parker has an application pending before the Federal Communications Commission for a new low power television on Channel 68 at Los Angeles, California. Filed December 8, 1989. FCC File No. BPTTL-891208ZI.

Micheal L. Parker was an Executive Vice President and Director of West Coast United Broadcasting Co., Channel 38 at San Francisco, California which has an application pending before the Federal Communications Commission for a new low power television on Channel 66 at San Francisco, California. Filed December 8, 1989. FCC File No. BLCT-890926KE.

Micheal L. Parker held jointly with his wife, Judith Parker, a stock interest in Pacific Rim Broadcasting Co., which was an applicant for a construction permit to modify its construction permit for KPRR-TV, Channel 14, Honolulu, Hawaii, to operate on Channel 5, FCC File No. BMPCT-830223KO, MM Docket No. 83-734.

The application was dismissed by the Commission with prejudice effective March 12, 1984 pursuant to request by Pacific Rim Broadcasting Co. See Memorandum Opinion and Order, FCC 84M-1202, released March 12, 1984.

An application of Micheal Parker for a new commercial television station on Channel 29 at Sacramento, California, FCC File No. BPCT-820824KJ, MM Docket No. 83-66, was dismissed with prejudice effective May 17, 1983 pursuant to request by Mr. Parker. See Memorandum Opinion and Order, FCC 83M-1594, released May 17, 1983.

In addition, Micheal Parker was an officer, director and shareholder of Mt. Baker Broadcasting Co., which was denied an application for extension of time of its construction permit for KORC(TV), Anacortes, Washington, FCC File No. BMPCT-860701KP. See Memorandum Opinion and Order, FCC 88-234, released August 5, 1988.

Although neither an applicant nor the holder of an interest in the applicant to the proceeding, Micheal Parker's role as a paid independent consultant to San Bernardino Broadcasting Limited Partnership ("SBB"), an applicant in MM Docket No. 83-911 for authority to construct a new commercial television station on Channel 30 in San Bernardino was such that the general partner of SBB was held not to be the real party in interest to that applicant and that, instead, for the purposes of the comparative analysis of SBB's integration and diversification credit, Mr. Parker was deemed such. See e.g. Religious Broadcasting Network et. al., FCC 88R-38

released July 5, 1988. MM Docket No. 83-911 was settled in 1990 and Mr. Parker did not receive an interest of any kind in the applicant awarded the construction permit therein, Sandino Telecasters, Inc. See Religious Broadcating Network et. al. FCC 90R-101 released October 31, 1990.

ATTACHMENT J

Copy of Exhibit 4 to Transferee's Portion of
File No. BTCCT-920603KG
(Application for Consent to the Transfer of Control of the
Permittee of Station KVMD(TV), Twentynine Palms, California)

APPLICATION FOR CONSENT
TO TRANSFER OF CONTROL
FCC FORM 315
SECTION I, PART I
ITEM 7

EXHIBIT 4

Micheal L. Parker is President and a Director of Reading Broadcasting, Inc., licensee of WTVE(TV), Reading, Pennsylvania. Micheal L. Parker also is President and 100% stockholder of Partel, Inc., which holds a 29.69% equity interest in Reading Broadcasting, Inc.

Mr. Parker also is the 100% voting stockholder of Two If By The Sea Broadcasting Corporation. Two If By the Sea Broadcasting Corporation owns 51% of the stock of Massachusetts Channel 46 Corporation. Until recently, Massachusetts Channel 46 Corporation was the licensee of WHRC(TV), Norwell, Massachusetts. On March 23, 1992, the Commission granted the involuntary assignment of the station's license to George E. Clancy. Mr. Clancy was appointed receiver of the corporation by the Plymouth County Superior Court, Commonwealth of Massachusetts.

An application requesting consent to the assignment of the license of KZIA(TV), Las Cruces, New Mexico, from Southwestern Broadcasting Co., Inc. to Two If By the Sea Broadcasting Corporation is pending at the Commission (FCC File No. BALCT-920406KJ). Micheal Parker owns 100% of the assignee's stock.

Mr. Parker was an Executive Vice President and a Director of West Coast United Broadcasting Co., licensee of KCNS(TV), San Francisco, California. West Coast has pending an application for a new low power television station on Channel 66 at San Francisco, California (FCC File No. BLCT-890926KE).

Mr. Parker has an application pending for a new low power television on Channel 68 at Los Angeles, California (FCC File No. BPTTL-891208ZI).

Mr. Parker held jointly with his wife, Judith Parker, a stock interest in Pacific Rim Broadcasting Co. ("Pacific Rim"), which filed an application to modify its construction permit for KPRR-TV, Channel 14, Honolulu, Hawaii, to operate on Channel 5 (FCC File No. BMPCT-830223KO, MM Docket No. 83-734). The application was dismissed by the Commission with prejudice pursuant to Pacific Rim's request. See Memorandum Opinion and Order, FCC 84M-1202, released March 12, 1984.

Mr. Parker's application for a new commercial television station on Channel 29 at Sacramento, California (FCC File No. BPCT-820824KJ, MM Docket No. 83-66) was dismissed with prejudice pursuant to his request. See Memorandum Opinion and Order, FCC 83M-1594, released May 17, 1983.

Mr. Parker also was an officer, director and shareholder of Mt. Baker Broadcasting Co. Mt. Baker Broadcasting

Co.'s application for extension of time of its construction permit for KORC(TV), Anacortes, Washington (FCC File No. BMPCT-860701KP) was denied. See Memorandum Opinion and Order, FCC 88-234, released August 5, 1988.

Although neither an applicant nor the holder of an interest in the applicant to the proceeding, Mr. Parker's role as a paid independent consultant to San Bernadino Broadcasting Limited Partnership ("SBB"), an applicant for authority to construct a new commercial television station on Channel 30 in San Bernadino, California (MM Docket No. 83-911), was such that the general partner in SBB was held not to be the real-party-in-interest to that applicant and that, for purposes of the comparative analysis of SBB's integration and diversification credit, Mr. Parker was deemed such. See Religious Broadcasting Network et. al., FCC 88R-38, released July 5, 1988. This proceeding was settled in 1990 and Mr. Parker did not receive an interest of any kind in the Sandino Telecasters, Inc., the applicant awarded the construction permit. See Religious Broadcasting Network et. al., FCC 90R-101, released October 31, 1990.

ATTACHMENT K

Copy of Exhibit I to Transferee's Portion of
File No. BTCCT-910725KG
(Application for Consent to the Transfer of Control of the
Licensee of Station WHRC(TV), Norwell, Massachusetts)

Micheal L. Parker
FCC Form 315

EXHIBIT I

Micheal L. Parker
22720 S.E. 410th Street
Enumclaw, WA 98022
(206) 825-1099

Micheal L. Parker is President and Director of Reading Broadcasting, Inc., WTVE, Channel 51 at Reading, Pennsylvania. He holds no equity interest in Reading Broadcasting, Inc.

Micheal L. Parker has an application pending before the Federal Communications Commission for a new low power television on Channel 68 at Los Angeles, California. Filed December 8, 1989. FCC File No. BPTTL-891208ZI.

Micheal L. Parker is an Executive Vice President and Director of West Coast United Broadcasting Co., Channel 38 at San Francisco, California which has an application pending before the Federal Communications Commission for a new low power television on Channel 66 at San Francisco, California. Filed December 8, 1989. FCC File No. BLCT-890926KE.

Micheal L. Parker held jointly with his wife, Judith Parker, a stock interest in Pacific Rim Broadcasting Co., which was an applicant for a construction permit to modify its construction permit for KPRR-TV, Channel 14, Honolulu, Hawaii, to operate on Channel 5, FCC File No. BMPCT-830223KO, MM Docket No. 83-734. The application was dismissed by the Commission with

prejudice effective March 12, 1984 pursuant to request by Pacific Rim Broadcasting Co. See Memorandum Opinion and Order, FCC 84M-1202, released March 12, 1984. An application of Micheal Parker for a new commercial television station on Channel 29 at Sacramento, California, FCC File No. BPCT-820824KJ, MM Docket No. 83-66, was dismissed with prejudice effective May 17, 1983 pursuant to request by Mr. Parker. See Memorandum Opinion and Order, FCC 83M-1594, released May 17, 1983. In addition, Micheal Parker was an officer, director and shareholder of Mt. Baker Broadcasting Co., which was denied an application for extension of time of its construction permit for KORC(TV), Anacortes, Washington, FCC File No. BMPCT-860701KP. See Memorandum Opinion and Order, FCC 88-234, released August 5, 1988.

Although neither an applicant nor the holder of an interest in the applicant to the proceeding, Micheal Parker's role as a paid independent consultant to San Bernardino Broadcasting Limited Partnership ("SBB"), an applicant in MM Docket No. 83-911 for authority to construct a new commercial television station on Channel 30 in San Bernardino, CA, was such that the general partner in SBB was held not to be the real party in interest to that applicant and that, instead, for purposes of the comparative analysis of SBB's integration and diversification credit, Mr. Parker was deemed such. See e.g. Religious Broadcasting Network et. al., FCC 88R-38 released July 5, 1988. MM Docket No. 83-911 was settled in 1990 and Mr. Parker did not receive an interest of any kind in the

applicant awarded the construction permit therein, Sandino
Telecasters, Inc. See Religious Broadcasting Network et. al.,
FCC 90R-101 released October 31, 1990.

ATTACHMENT L

Amendment (dated October 28, 1992) to Assignee's Portion of
File No. BALIB-920810OM
(Application for Consent to the Assignment of License
of International Short-Wave Station KCBI, Dallas, Texas)

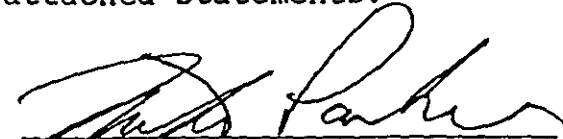
OCT 29 1992

OCT 30 10 47 AM FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: KCBI AUDIO SERVICES
DIVISION

Please amend the application by Two If By Sea Broadcasting Corporation to acquire Station KCBI from Criswell Center for Biblical Studies by including the attached statements.

Date: 10/28/92



President

Two If By Sea Broadcasting
Corporation

Re: Two If By Sea Broadcasting Corporation

Two If By Sea Broadcasting Corporation ("Two If By Sea") has applied for authority to acquire Station KCBI from Criswell Center for Biblical Studies. As part of that application, Two If By Sea listed applications in which its officers, directors and principals had held interests and which were dismissed at the request of the applicant. This will confirm that no character issues had been added or requested against those applicants when those applications were dismissed.

Dated:

Oct. 27, 1992 By:



President
Two if By Sea Broadcasting
Corporation

CERTIFICATE OF SERVICE

I hereby certify that, on this 21st day of March, 1997, I caused copies of the foregoing "Opposition to Petition for Reconsideration" to be placed in the U.S. Postal Service, first class postage prepaid, or hand delivered (as indicated below), addressed to the following:

Daniel M. Armstrong,
Associate General Counsel
Federal Communications Commission
1919 M Street, N.W. - Room 602
Washington, D.C. 20554
(BY HAND)

Roy J. Stewart, Chief
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W. - Room 314
Washington, D.C. 20554
(BY HAND)

Martin Hoffman, Esquire
50 Columbus Boulevard
Hartford, Connecticut 06106
Trustee-in-Bankruptcy for
Astroline Communications Company
Limited Partnership

Howard A. Topel, Esquire
Mullin, Rhyne, Emmons & Topel
1225 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036-2604
Counsel for Two If By Sea
Broadcasting Corporation


/s/ Harry F. Cole
Harry F. Cole

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)	
)	
Martin W. Hoffman,)	
Trustee-in-Bankruptcy for Astroline)	File No. BRCT-881201LG
Communications Company Limited)	
Partnership)	
)	
For Renewal of License of)	
Station WHCT-TV, Hartford, Connecticut)	
)	
and)	
)	
Astroline Communications Company)	
Limited Partnership,)	
Proposed Assignor)	
and)	File No. BALCT-930922KE
)	
Two If By Sea Broadcasting Corporation)	
Proposed Assignee)	
)	
For Consent to the Assignment of)	
License of Station WHCT-TV,)	
Hartford, Connecticut)	
TO: The Commission		

FORMAL OPPOSITION TO, AND MOTION TO STRIKE,
LETTER REQUEST SEEKING EMERGENCY RELIEF

Harry F. Cole

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(202) 833-4190

Counsel for Alan Shurberg d/b/a
Shurberg Broadcasting of Hartford

December 27, 1996

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Summary

The Letter Request seeking extraordinary, emergency grant of an assignment application notwithstanding numerous factual and legal issues which must be resolved prior to grant must be rejected.

In view of the extensive history of this case, and the multiple bases which already exist for declaring the license of Station WHCT-TV to have expired and been otherwise lost through the acts or omissions of that station's licensee(s), extraordinary, emergency relief is clearly not warranted here and would, in any event, fly in the face of extensive, well-established Commission precedent. Moreover, the minimal showing tendered in support of the emergency relief itself demonstrates that the relief cannot be granted, particularly because that showing raises more questions than it answers.

The Commission should deny the request for emergency relief, dismiss the pending application for renewal of license of Station WHCT-TV, and grant the long-pending application of Alan Shurberg d/b/a Shurberg Broadcasting of Hartford.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Applications of)
)
Martin W. Hoffman,)
Trustee-in-Bankruptcy for Astroline) File No. BRCT-881201LG
Communications Company Limited)
Partnership)
)
For Renewal of License of)
Station WHCT-TV, Hartford, Connecticut)
)
and)
)
Astroline Communications Company)
Limited Partnership,)
Proposed Assignor)
and) File No. BALCT-930922KE
)
Two If By Sea Broadcasting Corporation)
Proposed Assignee)
)
For Consent to the Assignment of)
License of Station WHCT-TV,)
Hartford, Connecticut)
)
TO: The Commission

FORMAL ^{1/} OPPOSITION TO, AND MOTION TO STRIKE,
LETTER REQUEST SEEKING EMERGENCY RELIEF

1. Alan Shurberg d/b/a Shurberg Broadcasting of Hartford
("SBH") hereby formally opposes and moves to strike the request,
set forth in a letter filed on behalf of Two If By Sea
Broadcasting Corporation ("TIBS") on December 12, 1996 relative

^{1/} Out of an excess of caution, the instant pleading is being
titled, inter alia, "Formal Opposition" in order to assure that
the Commission and all parties are on notice that it is intended
that the provisions of the Commission's ex parte rules, 47 C.F.R.
§§1.1200 et seq., apply to this particular matter, as well as to
all other aspects of the above-captioned applications, which are
already "restricted" within the meaning of the ex parte rules by
virtue of the pendency of, inter alia, the petitioner's competing
application and its petitions to deny the above-captioned
applications.

to the above-captioned applications. SBH, as a competing applicant for the Channel 18 authorization in Hartford, plainly has standing to oppose TIBS' request. As discussed below, contrary to the self-serving claims advanced by TIBS, neither the law, nor the facts, nor any basic notion of fairness and justice supports the relief requested by TIBS.

I. Background

2. Regrettably, any reasonably complete background discussion relating to the Channel 18 authorization must begin no later than December 2, 1983 -- more than 13 years -- when SBH filed its application for a construction permit for Channel 18. Months later, the then-licensee (Faith Center, Inc.) of Station WHCT-TV/Channel 18 filed an application seeking to assign the license pursuant to the Commission's minority distress sale policy, notwithstanding a number of factors which precluded such relief, including, e.g., the fact that that policy was unconstitutional.

3. In September, 1984, the Commission granted the distress sale assignment from Faith Center, Inc. to Astroline Communications Company Limited Partnership ("Astroline"), a supposedly minority-controlled entity. SBH appealed that decision, arguing, inter alia, that Astroline was not really a bona fide minority-controlled entity and, even if it was, the minority distress sale policy was unconstitutional. With respect to the former argument, in their respective briefs and arguments, Astroline assured the Court that Astroline really was a minority-controlled entity, and the Commission (relying on Astroline's

representations) repeated those assurances. In March, 1989, the U.S. Court of Appeals for the District of Columbia Circuit agreed with SBH's constitutional analysis. Relying on a "strict scrutiny" standard of review, the Court concluded that the policy was unconstitutional reverse discrimination. Shurberg Broadcasting of Hartford v. FCC, 876 F.2d 902 (D.C. Cir. 1989).

4. Astroline (but not the Commission) sought review of the decision by the Supreme Court, which agreed to hear the case in conjunction with an appeal in a separate case. Again before the Supreme Court Astroline (and, based on Astroline's claims, the Commission) assured the Supreme Court that Astroline really was a minority-controlled entity within the meaning of the Commission's minority ownership policies.

5. In June, 1990, the Supreme Court reversed the Court of Appeals' decision and concluded that the minority distress sale policy was constitutional. Metro Broadcasting, Inc. v. FCC, 497 U.S. 547 (1990). However, in so doing, the Court relied on a standard of judicial review which was substantially less stringent than "strict scrutiny" as applied by the Court of Appeals; since then, the Supreme Court has expressly announced that its own application of some lesser standard of review was simply wrong, and that "strict scrutiny" was, in fact, the appropriate standard. Adarand Constructors, Inc. v. Peña, 518 U.S. ____ (1995), overruling Metro Broadcasting, supra. In other words, the arguments which SBH had advanced from day one, and which the Court of Appeals had specifically agreed with, have now been adopted by the Supreme Court as the law of the land.

6. In 1988, while SBH's appeal was still pending before the Court of Appeals, Astroline commenced a voluntary bankruptcy proceeding under Chapter 11 of the Bankruptcy Act. That bankruptcy remained pending continuously until April, 1991, at which time it was converted (at the request of certain creditors) to an involuntary liquidation proceeding under Chapter 7 of the Bankruptcy Act. At that time Martin Hoffman, an attorney in Hartford, was appointed Trustee-in-Bankruptcy, standing in the place of Astroline. With Mr. Hoffman's appointment, in April, 1991, the station ceased operation.^{2/} It has not been on the air in the almost six years since.

7. By July 15, 1991, mutually exclusive applicants who had not yet been designated for comparative hearing had to tender hearing fees. The Commission had clearly and unequivocally stated that a failure by an applicant -- including a renewal applicant subject to comparative renewal challenge -- to tender such a fee by the established deadline of July 15, 1991 would lead to the dismissal of that applicant's application. See Proposals to Reform the Commission's Comparative Hearing Process to Expedite Resolution of Cases, 6 FCC Rcd 157, recon. granted in part, 6 FCC Rcd 3403 (1991). As of July 15, 1991, an application (originally filed by Astroline in 1988, with Mr. Hoffman substituted as the applicant in 1991) was pending for renewal of Astroline's license, and SBH's competing, mutually exclusive application was pending as well. Thus, both SBH and Mr. Hoffman

^{2/} The terms of Mr. Hoffman's appointment to serve as Trustee specifically prohibited him from operating the station.

were subject to the fee filing requirement. SBH tendered its fee by the established deadline. Mr. Hoffman did not.

8. It was not until almost a month after that deadline, after SBH had moved to dismiss Mr. Hoffman's renewal application, that Mr. Hoffman tendered a fee payment. SBH formally objected, noting inter alia that dismissal of Mr. Hoffman's renewal application (as required by the Commission's own articulation of its own policy) would expedite the prompt return to service of Channel 18, as SBH's application would then be the only one remaining and it could be granted without comparative hearing. In response, the Commission did nothing until, in April, 1993 -- almost two years later -- the Office of Managing Director ("OMD") issued a terse letter accepting Mr. Hoffman's payment. That letter on its face contradicted policies established by the full Commission.

9. SBH called this to the Commission's attention in an application for review filed on May 24, 1993 -- more than three and one-half years ago. In its application for review SBH again noted that the Commission's well-established policy of encouraging prompt initiation of service had been and would continue to be frustrated by any decision to waive the July 15, 1991 deadline and accept Mr. Hoffman's late-filed payment. SBH's arguments were all amply supported by clear and controlling Commission authority, and Mr. Hoffman never bothered to respond to SBH's application for review. And yet, as of December 27, 1996, the Commission still has yet to act on SBH's May, 1993 pleading.

10. In 1992, it came to SBH's attention that Mr. Hoffman had, in connection with his duties as Trustee-in-Bankruptcy, sold, assigned or otherwise transferred all of the assets of Astroline, leaving in the bankruptcy estate only the Commission-issued licenses.^{3/} Thus, Mr. Hoffman no longer held anything but a bare license. On December 14, 1992 -- more than four years ago, SBH once again petitioned to deny or dismiss Mr. Hoffman's renewal application, citing the Commission's well-established, statutorily-based line of cases holding that the sale of a "bare license" is prohibited. In his response, Mr. Hoffman effectively conceded that he had, in fact, disposed of all of Astroline's assets, retaining only the licenses (and the questionable lease). Still, the Commission declined to dismiss Mr. Hoffman's renewal application.

11. In April, 1993, in response to a request by Mr. Hoffman for authority to keep Station WHCT-TV dark (which it had been for two years already, at that point), SBH wrote to the Commission, again setting forth the "bare license" argument and urging the Commission to dismiss Mr. Hoffman's renewal application in order to expedite recommencement of service, by SBH, to the public on Channel 18. Still, the Commission declined to do so.

12. In September, 1993 -- more than three years ago --

^{3/} Mr. Hoffman claimed that the estate also included a lease for the transmitter site formerly used by Astroline. However, the question of whether that lease was actually held in the bankruptcy estate was seriously (and, SBH understands, successfully) contested by certain creditors, and that lease was in any event set to expire in June, 1993. Thus, it could hardly be said to have represented any significant "asset" of the estate.